

REMARKS

In the final Office Action, the Examiner rejects claims 35-41 and 43-49 under 35 U.S.C. § 102(e) as being anticipated by WU (U.S. Patent No. 5,991,756); and restricts claims 55-60 as being directed to an invention that is independent or distinct from the invention originally claimed. The rejection and the restriction are respectfully traversed.¹

By this Amendment, Applicant proposes amending claims 35, 40, 45, 48, and 49 to improve form. No new matter has been introduced. Claims 35-41, 43-49, and 55-60 would be pending upon entry of the Amendment, of which claims 55-60 have been withdrawn from consideration by the Examiner as being directed to a non-elected invention.

Election/Restriction

The Examiner withdraws claims 55-60 from consideration, and constructively elects claims 35-41 and 43-49 by original presentation for prosecution on the merits under 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03. Specifically, the Examiner alleges that claims 55-60 and claims 35-41 and 43-49 are separately classified in subclasses 6 (a method of searching a database) and 3 (pattern matching in a structured data such as a table), respectively, in class 707. The restriction requirement and the constructive

¹As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or that such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

election by original presentation are respectfully traversed and reconsideration is requested.

Applicant notes that for a restriction to be proper, the inventions must be independent and there must be a serious burden on the Examiner if the restriction is not made (M.P.E.P. § 803). Applicant respectfully submits that neither of the conditions for a proper restriction is met, and thus the claims are not properly made the subject of a restriction requirement.

With respect to invention independence, the Examiner has provided no evidence whatsoever that the claims are independent or distinct. Merely alleging that the claims can be separately classified falls far short of a showing necessary for establishing invention independence for purposes of encumbering Applicant's claimed invention with a restriction requirement.

With respect to imposition of a serious burden upon the Examiner, Applicant respectfully submits that the Examiner has not shown that a search and examination of all the pending claims would impose a serious burden. Applicant notes that the fields of search for claims 55-60 and claims 35-41 and 43-49 would necessarily overlap, as some of all of the pending claims are directed to locating documents stored in a database and matching tuples with patterns. Therefore, Applicant respectfully submits that all of the pending claims can be examined together without serious burden.

Accordingly, reconsideration of the restriction and constructive election by original presentation and the examination of pending claims 35-41, 43-49, and 55-60 are respectfully requested.

Rejection under 35 USC § 102(e)

Claims 35-41 and 43-49 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by WU. Applicant respectfully traverses the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. WU does not disclose or suggest the combination of features in claims 35-41 and 43-49.

Independent claim 35, as amended, is directed to a computer-implemented method comprising receiving, from a user, a first example of target information, where the first example includes a first tuple that corresponds to the target information in documents stored in a database, the first tuple including a plurality of fields; finding ones of the documents in the database that contain the first tuple; analyzing the ones of the documents to identify a pattern that defines a manner in which the first tuple is presented in the ones of the documents, where the pattern and the first tuple differ; and finding at least a second tuple in the database that matches the pattern, where the at least a second tuple is a second example of the target information and differs from the first tuple and the pattern. This combination of features is not disclosed or suggested by Wu.

For example, WU does not disclose or suggest analyzing ones of the documents to identify a pattern that defines a manner in which the first tuple is presented in the database, where the pattern and the first tuple differ; and finding at least a second tuple in the database that matches the pattern, where the at least a second tuple is a second

example of the target information and differs from the first tuple and the pattern. The Examiner alleges that WU discloses recognizing, based on the occurrences, a pattern in which the target information occurs in the ones of the documents, where the pattern and the first tuple differ; and finding, based on the pattern, at least a second tuple in the database that corresponds to the target information, citing col. 4, lines 50-56 of WU for support (final Office Action – page 3). Applicant respectfully submits that neither this section nor any other section of WU discloses or suggests the above features of independent claim 35, amended as proposed.

At col. 4, lines 50-56, WU discloses:

FIG. 2 shows how the documents in document repository 20 are logically arranged. In this example, documents are elements of a search database which is used to locate WWW sites of interest. Each document represents a topical category or a site and each document is shown as a record 38 in a hierarchical structure being in parent or child relation with other records.

This section of WU, in connection with Fig. 2, discloses a logical arrangement of documents in which documents are elements of a search database that is used to locate web sites. This section of WU also discloses that each document represents a topical category/web site and each document is shown as a record in a hierarchical structure as being in parent/child relation to other records. Nowhere in this section, or elsewhere, does WU disclose or suggest analyzing ones of the documents to identify a pattern that defines a manner in which the first tuple is presented in the ones of the documents, where the pattern and the first tuple differ; and finding at least a second tuple in the database that matches the pattern, where the at least a second tuple is a second example of the target information and differs from the first tuple and the pattern, as recited in claim 35,

amended as proposed. In contrast, WU merely discloses a search engine that organizes a search query term into individual subterms and matches the subterms against documents, returning only those documents that indirectly match the entire search query term and directly match at least one of the query subterms (WU – Abstract), which does not equate to or even suggest analyzing ones of the documents to identify a pattern that defines a manner in which the first tuple is presented in the ones of the documents, where the pattern and the first tuple differ; and finding at least a second tuple in the database that matches the pattern, where the at least a second tuple is a second example of the target information and differs from the first tuple and the pattern, as recited in claim 35, amended as proposed.

For at least these reasons, claim 1 is not anticipated by WU.

Claims 36-41, 43, and 44 depend from claim 35 and are, therefore, not anticipated by WU for at least the reasons given with respect to claim 35.

Claims 45 an 49, amended as proposed, recite features similar to (yet possibly of different scope than) features described above with respect to claim 35 and are, therefore, not anticipated by WU for at least reasons similar to the reasons given with respect to claim 35.

Claims 46-48 depend from claim 45 and are, therefore, not anticipated by WU for at least the reasons given with respect to claim 45.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 35-41 and 43-49 under 35 U.S.C. § 102 based on WU.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application, and the timely allowance of the pending claims. Applicant respectfully requests entry of the Amendment, because it places the application in condition for allowance. Moreover, Applicant submits that, should the Examiner continue to contest the patentability of the pending claims, the Amendment places the application in better condition for appeal. Accordingly, Applicant respectfully requests entry of the Amendment.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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